

COUNCIL BUSINESS

A. PH. A. COUNCIL LETTER NO. 27.

PHILADELPHIA, PA., July 11, 1916.

To the Members of the Council:

In the previous Council Letter, Motion No. 54, granting the J. B. Lippincott Company permission to use the text of the N. F. IV, under certain conditions, was presented, being favorably recommended to the Council by the Committee on Publication.

The offer of the J. B. Lippincott Company was, in brief, as follows: To pay one thousand dollars for and in consideration of permission to use the N. F. IV text in whole or in part in "The Practice of Pharmacy," printing upon the copyright page that permission had been granted by the American Pharmaceutical Association, in the usual form, and that at least ninety days shall elapse after the issue of the N. F. IV before "The Practice of Pharmacy" is printed.

The following communication upon the subject of Motion No. 54 has been received:

CLEVELAND, O., July 8, 1916.

To the Secretary of the Council of the A. Ph. A.:

In reference to my vote on Motion 54 I beg to submit the following:

1. The National Formulary, as a book, belongs without doubt to the A. Ph. A.; but the Association can lay no claim, nor establish a clear title, to any individual formula. Where do these formulas come from? Some are reprints from former pharmacopœias, some are taken from foreign pharmacopœias, some are copied from medical and pharmaceutical text-books and journals. But all of them are old; they have appeared in print, or been in use, many years ago, the majority probably long before there was any thought of a Formulary. None of them have been originated by the Association, or by the Committee on Formulary, unless it be the imitations of proprietary articles, and these should be thrown out. The very fact that a formula appears in the Formulary is proof that it has been extensively used for a considerable time in some part of the country, as the preface of the second edition of the Formulary distinctly states. Let us take an instance. The

formula for Sun Cholera Mixture was originally published by the *N. Y. Daily Sun*, that gave it its name, long before there was an A. Ph. A.; it is common property. How can we say that its adoption in the Formulary gives us the exclusive right to its reprint? A man might just as well compile a book of quotations from Shakespeare, copyright the book and then claim exclusive right to the quotations. The idea is too absurd to admit of any argument. Nor does the fact that some of the formulas have been tested, revised and slightly altered by our Committee constitute a right of ownership. During the last year I had some correspondence on this subject with the Commissioner of Patents at Washington. While he naturally declined to consider a hypothetical case, leaving the decision to the courts when an actual trial should turn up, he stated in his letter:

"It is perfectly legal to publish and copyright a book consisting of quotations, formulas or parts from other books; but such copyright does not confer to the publisher any right of ownership of the quotations as such, even if he changes them to suit his case; in fact such alteration might constitute a cause of action against him by the original author, provided the latter has himself secured a copyright."

But aside from the legal aspect, common sense will tell us that we cannot acquire a clear title to the mental productions of others by simply compiling and printing them. The National Formulary, as a book, is the property of the A. Ph. A.; but each individual formula has been, is now, and ever will be, the property of the whole pharmaceutical profession. Any man has as much right to print these formulas as the A. Ph. A., provided he does not call his book "The National Formulary."

2. The National Formulary is a part of the Proceedings of the A. Ph. A. and should be printed as part of the Report on Progress of Pharmacy, in fact, I consider it the most important part of this report. In our Year Book we find reports and formulas on all possible subjects and methods practised in Europe, Africa and Asia. But the thing that interests every pharmacist most, viz.: the development of

pharmacy at home, as evinced in new compounds, galenicals and formulas, is left out. Even the members of the A. Ph. A., each of whom is part owner of the Formulary, must pay for this most desirable information. I can trace three failures in my efforts to obtain new members to this fact, and a former member of the A. Ph. A. in Cleveland who resigned a year ago, when urged by me to come back, replied: "What kind of an Association is yours? You first promise us books and literature on all new things in return for our dues and then charge us extra for the only information that is of any value for us. You are fakes. I can buy the Formulary without paying you \$5.00 annually." In my mind there is no doubt that every member in good standing has a just right to demand, free of charge, a copy of each edition of the Formulary, either as part of the Year Book or as a separate volume. This principle was acknowledged by the leading men of the Association when the Formulary was taken over (see vol. of Proceed. No. 34, p. 165, etc., remarks by Remington and others). This same principle was recognized later by the Association in printing the New York and Brooklyn Formulary, the forerunner of the National Formulary, as a part of the proceedings. If the Formulary is not a part of the proceedings, what is it? The Association by its own actions has always considered it so. The expenses of the Committee on Formulary have been paid from the funds of the Association whenever a bill was presented, and, on the other hand, the accruing profits have been put into the treasury of the Association and used as regular funds. If the Formulary were not an integral part of the proceedings, but something outside or different from the other work of the Association, from where did the financial officers derive the authority to pay for such work and expenses out of the funds of the Association?

It has been the custom and principle of the Association from its beginning to allow the press and publishers to reprint any parts of the Proceedings whenever and wherever they chose. Even the authors of scientific and other papers are not asked permission for such reprints. In fact, it is held out as an inducement to young authors to contribute papers that their writings may be given wide publicity. How can we, in

considering this general custom, deny certain publishers the privilege of reprinting the Formulary, while we grant it others? The claim that the Formulary may be used and reprinted by the pharmaceutical press, but must not be reprinted by publishers of text-books for the sake of instruction or education is not only wrong but actually vicious. Neither the Pharmacopœia nor the Formulary is intended nor fit to be used as text-books; to make their contents available for instruction, a rearrangement and proper classification of the subject matter becomes necessary. The schools of pharmacy are supposed to base their instructions on these two books, and any desire or effort to do so and thereby impart knowledge and understanding to our coming pharmaceutical generation should be encouraged and supported by the Association. Authors and publishers of text-books confer a benefit and blessing on the whole profession by giving the formulas as wide a publicity as possible, and a charge for doing so would be a tax on education.

3. By an act of Congress in 1906, commonly called the Pure Food and Drug Act, the Pharmacopœia and the National Formulary have become parts of our national laws. A violation of any of their formulas is a violation of a national law, and there are many cases on record that the courts decided according to this principle. Compilations of certain sets of laws are quite common. One author compiles a book on the laws of internal revenue, the other on real estate, a third on public health, and so forth. All these law books are copyrighted and used extensively in law schools. But no author ever claimed that by compiling such a book he acquired the right of property in the individual laws that he compiled, and that anybody who might wish to reprint them after the publication of his book, must pay him a royalty. He would be laughed out of court with such a contention.

The A. Ph. A. has not only consented to have the Formulary made part of the law, but has asked and worked for such incorporation. Even if a right to the formulas had existed before the passage of this law, such right would have ceased by the action of the Association. No right can be assumed without corresponding duty. If we claim the right of having these formulas considered laws, we thereby undergo the

duty of letting every citizen read, quote, criticize, print and discuss these laws whenever and wherever he wishes.

I am well aware that some leading men in our Association differ from me on this point. Men in general are ready to believe what they hope and willing to consider correct and legal what seems to benefit them. We must learn to free our arguments from hopes and desires, in order to stay on the straight path of logic and right. I once opposed the whole pharmaceutical profession on another similar occasion, and was attacked and abused for years, until the Supreme Court justified my position. Some day the court will do so in this case.

4. The charge of a royalty for the use of the formulas of the National Formulary is unethical and diametrically opposed to the fundamental principles of our Association. Article 1 of our Constitution, which forms our code of ethics, seems to have been forgotten. I invite all who wish to levy this tax on pharmaceutical education to carefully read this article and particularly paragraphs 3, 6 and 7. There is but one argument in favor of this tax: "That we need the money." It is hardly necessary to point out how fundamentally wrong this argument is. Read the Proceedings of 1885 and following years and the remarks of men like Ebert, Dr. Rice, De Forrest, Hallberg, Colcord, and others, who then represented, and lived for ethical pharmacy; notice the emphasis with which all asserted that the National Formulary must not, and never should, be made a source of profit to the Association, that each member should receive a copy, and that non-members might buy it at strictly cost price. Have we sunk so low as to brush aside the ideals of these men and the whole noble, ethical past of our Association by the vile argument: "We need the money"? The adoption of Motion 54, according to my views, is

Contrary to the life and history of our Association,

Contrary to all ethical principles of pharmacy, by levying a tax on education,
Morally and legally indefensible.

For these reasons, I vote "No."

WILLIAM C. ALPERS.

J. W. ENGLAND,

Secretary of the Council.

415 N. 33rd St., Philadelphia, Pa.

A. PH. A. COUNCIL LETTER NO. 28.
PHILADELPHIA, PA., July 20, 1916.

To the Members of the Council:

Motion No. 54 (Grant of Permission to use the N. F. IV text in "The Practice of Pharmacy," published by J. B. Lippincott Company) has received a majority of affirmative votes, the vote being 33 for the motion and 1 against.

Motion No. 55 (Election of Members; Applications Nos. 293 to 314, inclusive) has received a majority of affirmative votes.

Motion No. 56 (Election of Members). You are requested to vote on the following applications for membership:

- No. 315. Aristides M. Aliberti, 2032 S. Bouvier St., Philadelphia, Pa., rec. by J. W. Sturmer and F. E. Stewart.
- No. 316. Fred. W. Smith, Poplarville, Miss., rec. by J. C. McGee and Gus Kendall.
- No. 317. John C. Gleim, 2181 E. 89th St., Cleveland, Ohio, rec. by W. C. Alpers and E. R. Selzer.
- No. 318. Elmer Joseph Zickes, 4521 Clark Ave., S. W. Cleveland, Ohio, rec. by W. C. Alpers and E. R. Selzer.
- No. 319. Henry George Duerfeldt, Main and Washington, Spokane, Wash., rec. by C. Osseward and C. W. Johnson.
- No. 320. Thomas H. Bienz, Kalispell, Mont., rec. by Alex. F. Peterson and Charles E. Mollet.
- No. 321. Ben E. Lapeyre, Jr., Gt. Falls, Mont., rec. by Charles E. Mollet and Alex. F. Peterson.
- No. 322. Hugh Lee Boyd, Kosciusko, Miss., rec. by J. C. McGee and Gus Kendall.
- No. 323. Knud J. Damtoft, 326 State St., Bridgeport, Conn., rec. by G. A. Jamison and J. A. Leverty.
- No. 324. Walter Carl Palenschat, 2364 E. 69th St., Cleveland, Ohio, rec. by L. C. Hopp and W. T. Hankey.
- No. 325. August Fred Pence, 8135 Superior Ave., Cleveland, Ohio, rec. by L. C. Hopp and W. T. Hankey.
- No. 326. Harry Earl Mitchell, 425 E. 112th St., Cleveland, Ohio, rec. by L. C. Hopp and W. T. Hankey.
- No. 327. S. Ross Campbell, Cynwyd, Pa., rec. by W. B. Day and J. W. England.

- No. 328. Ralph Waldo Morgan, 219 N. Senate Ave., Indianapolis, Ind., rec. by Francis E. Bibbins and Francis A. Federer.
- No. 329. John Wilfred Vestal, 402 E. Raymond St., Indianapolis, Ind., rec. by Francis E. Bibbins and W. B. Day.
- No. 330. Juan Rosales Imson, No. 6 LaO. and No. 9-11 Mpl. Sts., Tayabás, Province of Tayabas, P. I., rec. by W. C. Alpers and E. R. Selzer.
- No. 331. Forest D. Christian, N. E. Cor. Ohio Ave. and Poplar St., Sidney, Ohio, rec. by E. R. Selzer and W. C. Alpers.
- No. 332. Hiram Wilson Elliott, Hosp. Stwd., U. S. Navy, U. S. Naval Station, Agana, Guam, rec. by W. B. Day and J. F. Rupert.
- No. 333. Frederick C. Mayer, Marquette University, Milwaukee, Wis., rec. by C. W. Johnson and W. B. Day.
- No. 334. Herbert M. Lerou, 289 Main St., Norwich, Conn., rec. by C. P. Gladding and J. G. Godding.
- No. 335. Harrison E. Purdy, 100 Elizabeth St., Derby, Conn., rec. by C. P. Gladding and J. G. Godding.
- No. 336. Samuel Bienstock, 990 Broadway, Hartford, Conn., rec. by C. P. Gladding and J. G. Godding.
- No. 337. Otto Herman Mentz, 1057 Belmont Ave., Chicago, Ill., rec. by William Gray and W. B. Day.
- No. 338. Herman C. Schuh, cor. 8th and Washington, Cairo, Ill., rec. by W. B. Day and Paul G. Schuh.
- J. W. ENGLAND,
Secretary of the Council.
- 415 N. 33rd St., Philadelphia, Pa.
- A. PH. A. COUNCIL LETTER NO. 29.
- PHILADELPHIA, PA., August 16, 1916.
- To the Members of the Council:
- Motion No. 56 (Election of Members; Applications Nos. 315 to 338, inclusive)* has received a majority of affirmative votes.
- In regard to the adoption of Motion No. 54 (C. L. No. 28), William C. Alpers wishes to announce to the Council that he will appeal from this vote to the Association at the Atlantic City meeting.
- The organization meeting of the Cuban Branch of the American Pharmaceutical Association was held July 24, 1916, at the Academy of Sciences of Havana, and the following resolutions were adopted:
- Resolved*, That the Cuban Branch of the American Pharmaceutical Association extend its salutations to the Council and fellow members of the Association.
- Resolved*, That the Cuban Branch of the American Pharmaceutical Association extend to the Council its thankfulness for the constitution of the Branch.
- Motion No. 57 (Election of Members)*. You are requested to vote on the following applications for membership:
- No. 339. Lester LeRoy Buttery, Gonzales, Texas, rec. by R. H. Walker and Wm. B. Day.
- No. 340. James W. Wise, Dover, Delaware, rec. by John O. Bosley and Reuben M. Kaufman.
- No. 341. Arch Krieg, 1217 Quarrier St., Charleston, W. Va., rec. by Frank H. Freericks and John Uri Lloyd.
- No. 342. Miss Angelica Curbelo, Pharm. D., Campanario, No. 41, Havana, Cuba, rec. by Jose Guillerme Diaz and G. J. Fajardo.
- No. 343. Raoul D. Keim, 111 N. Market St., Chicago, Ill., rec. by Wm. Gray and Wm. B. Day.
- No. 344. Lewis Moore Hires, High and Union Sts., Burlington, N. J., rec. by George M. Beringer, Jr., and Edgar R. Sparks.
- No. 345. Leland S. P. Turner, 902 E. Bancroft St., Toledo, Ohio, rec. by Waldo M. Bowman and Wm. B. Day.
- No. 346. Rudolph L. Meier, 1246 O St., Lincoln, Neb., rec. by E. O. Haschenburger and Wm. B. Day.
- No. 347. James William Coppedge, care of W. H. King Drug Co., Raleigh, N. C., rec. by W. W. Horne and E. N. Zoeller.
- No. 348. Albert T. Utley, 145 Main St., Norwich, Conn., rec. by Curtis P. Gladding and John G. Godding.
- No. 349. Herbert A. Keith, Lake Preston, S. Dakota, rec. by E. C. Bent and Wm. B. Day.
- No. 350. Thomas McCoy Watts, Holstein, Iowa, rec. by Wilber J. Teeters and Wm. B. Day.

- No. 351. Howard Atkins Winn, Ph. G., 416 W. 11th St., Grand Island, Neb., rec. by L. A. Johnson and H. C. Newton.
- No. 352. Adolph Schmidt, 330 5th Ave., McKeesport, Pa., rec. by J. W. England and W. H. Lackey.
- No. 353. Charles H. Pinks, 13 W. Main St., Meriden, Conn., rec. by John G. Godding and Wm. B. Day.
- No. 354. Luin Burt Switzer, Southport, Conn., rec. by Theodore Weicker and W. C. Alpers.
- No. 355. Daniel George Sullivan, Watertown, Conn., rec. by John A. Leverty and Harrison E. Purdy.
- No. 356. William S. Denton, 109 W. Main St., Beardstown, Ill., rec. by W. B. Day and Wm. Gray.
- No. 357. Harry Noonan, president, The Drug Products Co., Inc., 48 W. 4th St., New York, N. Y., rec. by Wilber J. Teeters and Wm. B. Day.
- No. 358. Stanislaus W. Burda, 1363 N. Ashland Ave., Chicago, Ill., rec. by Wm. Gray and Wm. B. Day.
- No. 359. James Theus Munds, 208 Walnut St., Montclair, N. J., rec. by Harry W. Crooks and Edward A. Sayre.
- No. 360. Thomas J. Driscoll, Fallkill Bldg., Main and Washington Sts., Poughkeepsie, N. Y., rec. by Thomas F. Main and Arthur S. Wardle.
- No. 361. Carlos Vidal, Phar. D., P. O. Box 416, Cruces, Cuba, rec. by Jose R. Prieto and Jose P. Alacan.
- No. 362. Earl Albert Tyler, 116 W. 70th St., New York, N. Y., rec. by Wm. B. Day and J. W. England.
- No. 363. F. J. Zuck, Forest City Bank, Lawrence, Kansas, rec. by Wm. B. Day and C. M. Snow.
- No. 364. John Gerhard, 643 N. 15th St., Philadelphia, Pa., rec. by George M. Beringer and J. W. England.
- No. 365. Louis L. Staehle, 169 S. Orange Ave., Newark, N. J., rec. by George M. Beringer and J. W. England.
- No. 366. Alexander Seidler, 21-23 Ferry St., Newark, N. J., rec. by George M. Beringer and J. W. England.
- No. 367. Frank B. Winski, Stamford, Conn., rec. by E. H. Wisner and G. D. Timmons.
- No. 368. S. M. Miller, Big Run, Pa., rec. by G. D. Timmons and E. H. Wisner.
- No. 369. Chester E. Garl, Edwardsburg, Mich., rec. by W. O. Speer and G. D. Timmons.
- J. W. ENGLAND,
Secretary of the Council.
415 N. 33rd St., Philadelphia, Pa.
- A. PH. A. COUNCIL LETTER NO. 30.
PHILADELPHIA, PA., August 24, 1916.
- To the Members of the Council:
Motion No. 58 (Election of Members).
You are requested to vote on the following applications for membership:
- No. 370. Emil Roller, Ph.G., 574 Amsterdam Ave., New York, N. Y., rec. by Otto Raubenheimer and Frank L. McCartney.
- No. 371. Robert Oscar Hurst, 391 Jarvis St., Toronto, Ont., Can., rec. by Charles F. Heebner and Alexander Stewart.
- No. 372. Oscar Kellogg Whipple, Broad and Fayette Sts., Bridgeton, N. J., rec. by George M. Beringer and George M. Beringer, Jr.
- No. 373. Leon A. Taylor, 100 Clifton Ave., Lakewood, N. J., rec. by George M. Beringer and George M. Beringer, Jr.
- No. 374. William H. Owens, 341 Communipaw Ave., Jersey City, N. J., rec. by George M. Beringer and George M. Beringer, Jr.
- No. 375. Albert Burtis Johnson, 410 River Ave., Point Pleasant, N. J., rec. by George M. Beringer and J. W. England.
- No. 376. Edward D. Holmes, Havana, N. Dakota, rec. by W. P. Porterfield and Wm. B. Day.
- No. 377. Oscar Hallenberg, 66 Broadway, Fargo, N. Dakota, rec. by W. P. Porterfield and Wm. B. Day.
- No. 378. John H. Vold, 26 S. 3rd St., Grand Forks, N. Dakota, rec. by W. P. Porterfield and Wm. B. Day.
- No. 379. John W. Needham, Finley, N. Dakota, rec. by W. P. Porterfield and Wm. B. Day.
- No. 380. Max Henry Strehlow, Kindred, N. Dakota, rec. by W. P. Porterfield and Wm. B. Day.

- No. 381. Charles F. Gorman, 142 Asylum St., Hartford, Conn., rec. by Theodore Weicker and W. C. Alpers.
- No. 382. Clark H. W. Newton, 63 Bank St., Waterbury, Conn., rec. by Theodore Weicker and W. C. Alpers.
- No. 383. Bruno E. Hockert, 2 Holcomb St., Hartford, Conn., rec. by Curtis P. Gladding and John Godding.
- No. 384. Francis Henry Shaffer, care of Strong, Cobb and Co., 206 Central Viaducts, Cleveland, Ohio, rec. by H. M. Whelpley and J. W. England.
- No. 385. G. Ellyson, 11th and High Sts., Des Moines, Iowa, rec. by Wilber J. Teeters and Wm. B. Day.
- No. 386. Robert Francis McDonald, M.D., 391 West End Ave., New York, N. Y., rec. by Otto Raubenheimer and Frank L. McCartney.
- No. 387. Louis Spencer Levy, 80 Maiden Lane, New York, N. Y., rec. by Otto Raubenheimer and Frank L. McCartney.
- No. 388. Clarence C. Sneider, 243 S. 9th Ave., Mt. Vernon, N. Y., rec. by Gustave Horstmann and Jacob Diner.
- No. 389. Harry J. Novack, M.D., 595 Wiloughby Ave., Brooklyn, N. Y., rec. by Otto Raubenheimer and Frank L. McCartney.
- No. 390. Isidore Jacob Blumenkranz, 234 Rivington St., New York, N. Y., rec. by Charles W. Lehman and J. Leon Lascoff.
- No. 391. Leon S. Lord, 267 Jewett Ave., West New Brighton, N. Y., rec. by Charles W. Lehman and J. Leon Lascoff.
- No. 392. Max Hansburg, 489 3rd Ave., New York, N. Y., rec. by J. Leon Lascoff and Charles W. Lehman.
- No. 393. Richard A. Austin, Cairo, N. Y., rec. by J. Leon Lascoff and Wm. L. DuBois.
- No. 394. Elmer E. Chilson, 326 Monroe Ave., Rochester, N. Y., rec. by Charles W. Lehman and J. Leon Lascoff.
- No. 395. Franklin W. Halbkat, Webster, South Dakota, rec. by E. C. Bent and Wm. B. Day.
- No. 396. William Paul Lenocker, Bushnell, S. Dakota, rec. by E. C. Bent and W. B. Day.
- No. 397. Albert D. Cooley, Summer & Ocean Aves., Seaside Heights, N. J., rec. by F. R. Stutzlen and David Strauss.

J. W. ENGLAND,
Secretary of the Council.

415 N. 33rd St., Philadelphia, Pa.

MEMORANDA.

Resigned from the A. Ph. A., since July 18, 1916.

Treasurer Whelpley reports the following:

Stallings, R. E., Atlanta, Ga.
Seymour, James, Denver, Colo.
Matthews, C. E., Chicago, Ill.
Burvant, E. J., New Orleans, La.
Schiess, B. F., St. Louis, Mo.
Gordon, E., Bronx, New York, N. Y.
Bowie, R. T., Atlanta, Ga.
Marwell, O. A., Detroit, Mich.
Harrah, J. W., Minneapolis, Minn.
Trolinger, E. F., Nashville, Tenn.
Sister Superior, Columbus, Ohio.